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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,174	09/24/2003	Takahiro Hanamoto	242436US3X	4039

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EXAMINER

BRAHAN, THOMAS J

ART UNIT PAPER NUMBER

3652

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/668,174

Applicant(s)

HANAMOTO, TAKAHIRO

Examiner

Thomas J. Brahan

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

2. Claims 1 and 3-6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 12, the limitation "said smaller-diameter portion not including shafts of the winches" renders the claims indefinite, as the shafts of the winches are at the smaller diameter portions. The limitation is also improper as it attempts to define the structure by stating what the structure is not, rather than positively and distinctly pointing out the subject matter of the claim. New claim 6 has a similar recitation in line 13.

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 5 and 6, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pech et al in view of Boyer. Pech et al shows a traveling working machine comprising:

a lower traveling body (16);

an upper rotating body (14) mounted rotatably on the lower traveling body, the upper rotating body having a rotating frame (21) and winches;

a boom (22) mounted on said upper rotating body so as to be capable of rising and lowering; and

a pair of right and left frames which support the boom formed in the rotating frame to pivotally support both right and left sides of a rear end portion of the boom, axial portions of the winches, including maximum-diameter portions of the winches, being mounted inside rear portions of the frames which support the boom, the frames which support the boom having recessed cut-outs along smaller-diameter portions of the winches other than the maximum-diameter portions, wherein the rear portions of said frames which support the boom each comprise a fixed frame and winch openings are formed at the recessed cut-outs of the fixed frame.

Pech et al shows the recesses for mounting the winches to the frame (21), but varies from the claims, as best understood, by not showing detachable frame portions as the means for mounting the winches within the recesses with the recesses not sandwiching the axles. Figure 3 of Boyer shows a crane winch mounting arrangement with detachable frames (15a-15d) with recesses that sandwich the winch unit smaller diameter portions, such as at the reduction gear housing (19) but not at the axles themselves. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the winch mountings of Pech et al by completing the disclosed winch recesses by providing them with detachable frames with recesses engaging reduction gear housings and bearing housings, as to remove the drive unit as a whole from the recesses, as taught by Boyer. The openings of both the fixed and the detachable frames (caps) are generally circular in shape and formed along the outer peripheries of the smaller-diameter portions of the winches, as recited in claim 3. The winches are mutually disposed longitudinally at the rear portions of the boom frames, as recited in claim 5. Pech et al has counterweight mounting portions at the rear portions of the boom support frames, as recited in claim 6.

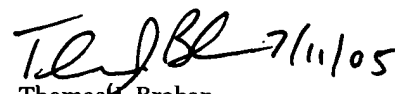
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5. Claims 1 and 3-5, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Harnischfegger in view of Boyer. Harnischfegger shows a traveling working machine comprising:

- a lower traveling body (16);
- an upper rotating body mounted rotatably on the lower traveling body, the upper rotating body having a rotating frame (2) and winches;
- a boom (4) mounted on said upper rotating body so as to be capable of rising and lowering; and
- a pair of right and left frames which support the boom formed in the rotating frame to pivotally support both right and left sides of a rear end portion of the boom, axial portions of the winches, including maximum-diameter portions of the winches, being mounted inside rear portions of the frames which support the boom, the frames which support the boom having recessed cut-outs along smaller-diameter portions of the winches other than the maximum-diameter portions, wherein the rear portions of said frames which support the boom each comprise a fixed frame and winch openings are formed at the recessed cut-outs of the fixed frame.

Harnischfegger shows the recesses for mounting the winches to the frame (2), but varies from the claims, as best understood, by not showing detachable frame portions as the means for mounting the winches within the recesses with the recesses not sandwiching the axles. Figure 3 of Boyer shows a crane winch mounting arrangement with detachable frames (15a-15d) with recesses that sandwich the winch unit smaller diameter portions, such as at the reduction gear housing (19) and the opposing side's bearing housing, but not at the axles themselves. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the winch mountings of Harnischfegger by completing the disclosed winch recesses by providing them with detachable frames with recesses engaging reduction gear housings and bearing housings, as to remove the drive unit as a whole from the recesses, as taught by Boyer. The openings of both the fixed and the detachable frames (caps) are generally circular in shape and formed along the outer peripheries of the smaller-diameter portions of the winches, as recited in claim 3. The winches are mutually disposed vertically at the rear portions of the boom frames, as recited in claim 4, and longitudinally, as recited in claim 5.

6. Applicant's remarks in the amendment filed March 2, 2005, have been fully considered, but are deemed moot in view of the above new rejections. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (571) 272-6928. The fax number for all patent applications is (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Thomas J. Brahan  
Primary Examiner  
Art Unit 3652